

AMENDED IN ASSEMBLY APRIL 29, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 391

Introduced by Assembly Member Montanez
(Coauthor: Assembly Member Hancock)
(Coauthor: Senator Ortiz)

February 14, 2003

An act to add Article 10.7 (commencing with Section 17077.50) to the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 391, as amended, Montanez. New school construction.

Existing law, the Leroy F. Greene school Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

This bill would require a project to construct a new schoolsite or to modernize an existing school *kitchen and* dining facility, upon completion of the project, to have a fully functional modern school *kitchen and* dining facility, as provided, and an instructional garden area, as provided. The bill would require the State Department of Education to establish minimum space requirements for instructional gardens in new schools, to adopt regulations governing instructional garden designs, to develop minimum space requirements for fully functional modern school *kitchen and* dining facilities, ~~and~~ to develop

design and management guidelines for school *kitchen and* dining facilities that provide a server, as specified, *and to ensure adequate space and design to allow pupils a minimum of 15 minutes to consume a meal after service.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) School garden projects provide an interactive, hands-on
4 learning environment to teach the fundamental nutrition concepts
5 embodied in the Dietary Guidelines for Americans and to foster a
6 better understanding and appreciation of where food comes from,
7 how it gets from the farm to the table, and the important role of
8 agriculture in the state, national, and global economy.

9 (b) Encouraging and supporting a garden in every school
10 creates opportunities for pupils to make healthier food choices,
11 participate more successfully in their education experiences, and
12 develop a deeper appreciation of both their community and each
13 other.

14 (c) Garden programs can equally enhance any subject area
15 including science, environmental education, math, reading,
16 writing, art, physical education, history, and geography. As
17 California continues to strive toward improved pupil
18 performance, the garden project provides a unique method
19 through which it may be achieved.

20 (d) *Schools are a significant public investment and can*
21 *successfully fulfill many needs in the community. In a public*
22 *emergency, school facilities may also serve as emergency shelters.*
23 *The ability to prepare meals onsite is important to ensure that a*
24 *school facility is used by the community for teaching about*
25 *nutrition, providing opportunities for meals at community*
26 *meetings, and in the event of an emergency to provide shelter.*

27 SEC. 2. Article 10.7 (commencing with Section 17077.50) is
28 added to the Education Code, to read:

29

Article 10.7. School Dining Facilities and Instructional
Gardens

17077.50. (a) Notwithstanding any other law, after January 1, 2005, a project to construct a new schoolsite or a project to modernize an existing school *kitchen and dining facility* pursuant to this chapter *that has not received final design approval*, shall, upon completion of the project, have ~~at least~~ *both* of the following:

(1) A fully functional modern school *kitchen and dining facility* of adequate capacity in accessible locations to properly serve the intended pupil population, with sufficient space for stationary or portable fruit and vegetable bars or salad bars. ~~For purposes of this paragraph, a “fully functional modern school dining facility” includes a kitchen with a walk-in refrigerator/freezer, dry storage area, food preparation areas, a cooking line with a minimum of a two compartment convection oven and kettle or braising pan, open burner range, utensil washing area, serving line, hand sinks, and other requirements necessary to meet local and state health requirements. The State Allocation Board shall develop regulations for kitchen and dining facilities to ensure that a school facility is suitable for use by the community for teaching about nutrition, providing opportunities for meals at community meetings, and in the event of an emergency to provide shelter.~~

(2) An instructional garden area of sufficient space, as determined by the State Department of Education, in which pupils may grow plants, flowers, and food, and conduct learning exercises related to the instructional garden.

(b) The State Department of Education shall do all of the following:

(1) Establish minimum space requirements for instructional gardens in new schoolsite projects and school dining facility modernization projects.

(2) Adopt regulations governing instructional garden designs. These ~~regulation~~ *regulations* may allow for flexibility in instructional garden size and location, such as raised beds in oak barrels or rooftop gardens.

(3) Develop minimum space requirements for fully functional modern school *kitchen and dining facilities*, as defined in ~~in~~ *of* paragraph (1) in subdivision (a).

1 (4) Develop design and management guidelines for school
2 *kitchen and* dining facilities that provide a server that provides
3 easy access to a variety of entrees and a fruit and vegetable bar or
4 salad bar.

5 (5) *Ensure an adequate space and design for the school dining*
6 *facility that allows at least 15 minutes after service for a pupil to*
7 *consume his or her meal.*

8 (c) It is not the intent of the Legislature in enacting this section
9 to increase the amount of land required for the construction of a
10 new school site.

